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Letter dated 31 August 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to enclose herewith a letter dated 28 August 2004 from Mustafa Osman Ismail, Minister for Foreign Affairs, addressed to the President of the Security Council regarding the measures taken by the Government of the Republic of the Sudan in compliance with Security Council resolution 1556 (2004) and the Darfur Plan of Action (see annex).

I would highly appreciate it if you could circulate the present letter and its annexes as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

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Annex to the letter dated 31 August 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

?. I have the honour to inform you about the specific measures taken by the Government of the Sudan in compliance with Security Council resolution 1566 (2004) and the Darfur Plan of Action agreed to by the Government of the Sudan and the Special Representative of the Secretary-General to the Sudan (see S/2004/636, annex):

1. Paragraphs 1 and 4-6 of Security Council resolution 1556 (2004)

(a) Relief assistance

(i) Since July 2004 the Government of the Sudan has donated 12,000 metric tons of food items to the needy population in Darfur;

(ii) All administrative and regulatory procedures relative to the relief assistance have been suspended with a view to facilitating the quick and timely delivery of emergency assistance to Darfur. Visas for relief workers are now delivered upon arrival at national airports. International relief flights are received directly at Darfur airports. Free movement to and within Darfur is guaranteed all relief workers. International non-governmental organizations (NGOs) are registered to operate Darfur within a short time span; currently 50 NGOs are working in the region. The Government of the Sudan has extended the temporary registration duration for NGOs for one year, up to July 2005; the Government stands ready to extend the duration further if the need arises. Relief needs (spare parts, communications equipment, food assistance, medication and so on) are imported duty-free through a fast-track procedure.

(b) Health situation

(i) Secondary health-care indicators

a. Number of internally displaced persons having geographical access to hospitals:

i. Northern Darfur: 68 per cent;

ii. Southern Darfur: 77 per cent;

iii. Western Darfur: 73 per cent;

b. The Government of the Sudan has deployed additional surgeons and surgery registrars to fill the gap in the main hospitals in Darfur;

c. Number of hospitals waiving patient fees for internally displaced persons in Darfur:

i. Northern Darfur: 3;

ii. Southern Darfur: 2;

iii. Western Darfur: 3;

(ii) Primary health care

a. Number of internally displaced persons having geographical access to primary health care:

i. Northern Darfur: 78 per cent;

ii. Southern Darfur: 77 per cent;

iii. Western Darfur: 80 per cent;

b. Number of functional primary health care units:

i. Northern Darfur: 27;

ii. Southern Darfur: 15;

iii. Western Darfur: 39;

c. Number of camps of internally displaced persons with safe delivery capability:

i. Northern Darfur: 5;

ii. Southern Darfur: 5;

iii. Western Darfur: 8;

iv. Some 70 per cent of women in camps of internally displaced persons have access to clean delivery and emergency obstetric care equipment.

(c) Human rights

(i) Appropriate legal measures are being taken against the perpetrators of violations of human rights and international humanitarian law, including police officers, whose immunities have been withdrawn to enable them to face legal charges. So far 12 people from the Janjaweed have been indicted and sentenced, 3 of them to capital punishment, according to articles 21, 130 and 165 of the Sudanese Penal Code;

(ii) The Advisory Council for Human Rights is conducting thorough investigations of human rights violations reported by the United Nations, the African Union and other sources. Missions from the Council have been sent to Darfur for that purpose;

(iii) The Government of the Sudan made available all the financial needs for the Independent Investigation Committee established by presidential decree under the chairmanship of Daffalla Alhaj Yousuf. The Committee visited Darfur and concluded its report, which was submitted to the President of the Republic. The recommendations contained therein will be thoroughly executed;

(iv) The United Nations human rights monitors are now stationed in Darfur implementing their mandate with full cooperation from the Government of the Sudan;

(v) A commission for the investigation of crimes of rape and other violence against women was established by a ministerial decree of the Minister of Justice. The commission is composed of female justices, attorneys and police officers to guarantee easy and effective inquiry and investigation of the female victims. The commission is continuing its work and its recommendations are being implemented;

(vi) Despite the fact that the Government of the Sudan still receives reports of violence against women, it is to be noted that the number of those incidents is lower than what used to be received in the past. The commissions established for that purpose together with the human rights monitors are continuing their investigations. The perpetrators will be brought to justice.

(d) Security

(i) The Government of the Sudan has so far deployed into Darfur 10,000 police officers from other states, equipped and mandated to secure the camps of internally displaced persons and areas around major towns in Darfur. Courses on human rights and international humanitarian law education have been attended by those officers. The Office for the Coordination of Humanitarian Affairs of the Secretariat organized workshops for the police officers in Northern Darfur on 7 and 8 August 2004;

(ii) In accordance with the Darfur Plan of Action, the Government of the Sudan is in the process of implementing the safe and secure areas commitment in camps of internally displaced persons and in a 20-kilometre radius around major towns (details may be found in the attached documents);[a]

(iii) The Government of the Sudan has stopped all military offensive acts, in compliance with the N'Djamena Ceasefire Agreement; the military force in Darfur has been redeployed in a way that precludes any contact with the camps of internally displaced persons and vulnerable civilians;

(iv) The Minister of the Interior, Representative of the President in Darfur, has issued directives prohibiting the carrying of arms in the safe areas except by police.

(e) Reining in the militias

(i) The Minister of the Interior, Representative of the President in Darfur, issued a ministerial decree reducing the number of members of the Popular Defence Force in Darfur by 30 per cent; the demobilization rate will reach 100 per cent depending on the security situation. (Relevant documents are attached);[a]

(ii) Military commissions were established for the encampment of all militias allied with the Government. Collection of military uniforms has already started. Militia leaders are being instructed to abide by the agreements reached with the United Nations. Collection of arms from the Popular Defence Force has already started; the Special Representative of the Secretary-General will be informed of the details of the arms collected. The disarmament process will get into full swing in tandem with the collection of arms from the rebels and other irregular armed groups.

(f) Voluntary repatriation of internally displaced persons

(i) The Joint Implementation Mechanism, which visited Darfur during the first half of August 2004, did not establish any incident of forced repatriation of internally displaced persons;

(ii) With a view to ensuring the voluntary nature of repatriation of internally displaced persons to their villages and home areas, the Government of the Sudan concluded a memorandum of understanding with the International Organization for Migration on 21 August 2004 (copy of the memorandum of understanding is

[a] See S/2004/701/Add.1.

attached).[a]

(g) Political settlement

With regard to the resumption of political talks, it is worth noting that the Government sent to Abuja a high-level delegation fully empowered to reach a political settlement with the rebels in Darfur. The delegation is currently engaged in the process of peace talks organized by the African Union. It is the conviction of the Government that the Naivasha protocols represent a suitable basis for the resolution of the Darfur problem and other similar problems in the country.

(h) Popular participation

(i) To ensure the popular participation of tribal and native leaders from Darfur in the solution of the problem, the Government of the Sudan organized the Local and Native Leaders Conference in Khartoum on 7 and 8 August 2004. The Native Administration Act is ready for immediate adoption and application;

(ii) The Government of the Sudan is planning to convene an all-inclusive Darfur conference after the conclusion of the Abuja talks with a view to enabling all representatives to participate in the conference.

2. Paragraphs 2 and 3 of Security Council resolution 1556 (2004)

(a) African Union monitors and their protection force

(i) The Government of the Sudan signed the N'Djamena Ceasefire Agreement on 8 April 2004, which provided for the international monitoring for the ceasefire;

(ii) The Government of the Sudan welcomed and received the first team of African Union monitors on 3 June 2004. The number of monitors now stands at 142;

(iii) The Government of the Sudan has provided the Ceasefire Commission with a helicopter (Mi-8) and continues to meet the cost of the fuel (Jet A-1) for the helicopter;

(iv) The Government of the Sudan received a contingent of 155 from Rwanda to join the protection force for the monitors on 14 August 2004. The Sudanese Armed Forces provided them with the required needs. Another contingent of the protection force from Nigeria is expected to arrive in Darfur soon after an American company completes construction of the camp site in Darfur.

3. Constraints of implementation

(a) Notwithstanding the relentless efforts by the Government of the Sudan to fulfil its obligations under Security Council resolution 1556 (2004) and the Darfur Plan of Action, practical difficulties are being encountered in implementation. The Government of the Sudan appeals to the international community to meet its obligations under paragraphs 12 and 13 of resolution 1556 (2004); so far only 50 per cent of the humanitarian needs are covered. The Government of the Sudan appeals to the donor community to fund the consolidated appeals process for the Sudan. It is worth noting that the needy people in Darfur have already lost the rainy season, which means that continued support to the people in Darfur will be necessary throughout the next year;

(b) The Government of the Sudan appeals to the international community to come to its assistance by providing logistical support to the police force in Darfur to raise its capability of quick movement in terms of communication and transportation by land and air to efficiently bring about security and stability in the region. Rehabilitation of the railway lines and locomotives is an urgent need to achieve cost effectiveness in the transportation of emergency relief to Darfur. All locomotives are American-made: the administration of the United States of America should be urged to release the necessary spare parts for those engines to be made operational for humanitarian purposes;

(c) Despite the provisions contained in paragraph 8 of resolution 1556 (2004), the Government of Eritrea continues its subversive behaviour by providing logistical and technical training to the rebel movements operating in Darfur. The Security Council, however, is expected to call upon Eritrea to cease those activities and to comply without delay with paragraph 8 of resolution 1556 (2004).

(d) One of the major constraints to implementation are the sporadic violations of the ceasefire in Darfur. The Ceasefire Commission and the African monitors are investigating those violations, as a result of which the number is falling as time passes;

2. Finally, I would like to reiterate once again the readiness and dedication of the Government of the Sudan to abide by resolution 1556 (2004) and other international instruments relating to human rights and international humanitarian law. The Government of the Sudan stands ready to reach a political settlement and to re-establish law and order in Darfur.

3. Attached please find the relevant documentation on the implementation of resolution 1556 (2004) and the Darfur Plan of Action.[a]

(*Signed*) Dr. Mustafa Osman **Ismail**
Minister of Foreign Affairs of the Republic of the Sudan